IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 23040 of 2004

Between:

E.Venkatarathnamma W/o.Ajnaneyulu Gowd
Dhone Town and Mandal, Kurnool Dist.

..... PETITIONER

AND

1 The Joint Collector, Kurnool,
Kurnool Dist.
2 The Revenue Divisional Officer
Kurnool Dist.
3 The Mandal Revenue Officer
Dhone Mandal, Kurnool Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in issuing the proceedings in Rc.B.895/2004 dt 30-11-2004 as illegal, arbitrary, and violative of principles of natural justice and also against the provisions of Control order 2001 and consequently direct the respondents to restore the authorisation of the petitioner by suspending impugned proceedings pending the appeal before the 1st Respondent.

Counsel for the Petitioner:MR.K.V.RAGHU VEER

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following:

ORDER:

The authorization of the petitioner was cancelled by the 2nd respondent through proceedings, dated 30.11.2004. Aggrieved by the same, the petitioner filed an appeal before the 1st respondent together with an application for grant of stay. The 1st respondent rejected the stay application. Hence, this writ petition.

Learned counsel for the petitioner submits that on earlier occasion, an order, dated 03.11.2004, was passed against him without indicating any reason and when the same was challenged in W.P.No.21336 of 2004, it was set aside. He submits that in the present order, the 2nd respondent did not consider the report of the Mandal Revenue Inspector of Dhone, which is said to be in favour of the petitioner.

Learned Government Pleader for Civil Supplies, on the other hand, submits that once the authorization is cancelled, the petitioner cannot be permitted to function as Dealer, pending the appeal. The 2nd respondent passed an order, dated 30.11.2004, cancelling the authorization of the petitioner.

Though learned counsel for the petitioner urges several contentions on merits, this Court is not inclined to deal with the same at this stage. The petitioner had availed the remedy of appeal. The 1st respondent rejected the application for grant of stay. Continuance of a Dealer, after the authorisaion is cancelled, is almost a rarity and the situation cannot be compared with the appeals filed against the orders of suspension. The legality or validity of the order of cancellation can certainly be gone into by the appellate authority. The interests of the petitioner can be protected by directing that no permanent dealer should be appointed for the Fair Price Shop, till the disposal of the appeal.

Hence, the writ petition is disposed of, directing the 1st respondent to dispose of the appeal within eight weeks from today. It is further directed that the 2nd respondent shall not appoint any dealer against the shop in question on permanent basis, till the disposal of the appeal. There shall be no order as to costs.

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15.12.2004

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To

1 The Joint Collector, Kurnool, Kurnool Dist.
2 The Revenue Divisional Officer, Kurnool Dist.
3 The Mandal Revenue Officer, Dhone Mandal, Kurnool Dist.

4 Two CCs to the Government Pleader for Civil Supplies, High

Court Buildings, Hyderabad (OUT).

5 Two CD copies.